

REMARKS

The official office action dated December 6, 2006 has been carefully considered. Claims 1, 3-8 and 10-15 remain in the application. Claim 9 has been canceled. Claims 1, 5, and 8 have been amended to more particularly point out and distinctly claim Applicant's invention. New claims 16-19 have been added. Applicant appreciates the Examiner's indication that claims 7 and 11-13 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant believes the claims presented herewith are sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claim rejections under 35 U.S.C. §102

Claims 1, 3, and 4 are rejected under 35 U.S.C. §102(b) as being anticipated by Sargeant et al, U.S. Patent No. 5,755,244. This rejection is respectfully traversed.

The Examiner alleges that Sargeant discloses a dishwasher having downwardly directed jets that rotate in a plane above a filter and discharge water onto an area of the filter having a percentage of open area that is lower than other portions of the filter. Applicant respectfully submits that Sargeant does not disclose or suggest that the downwardly directed jet impinges substantially upon a percentage of open area lower than the other portions of the filter with other portions of the filter being outside a circular pattern of the downwardly directed jet, as recited in independent claim 1. As best shown in Figures 36 and 37 and as further described in column 13, lines 25 – 32, Sargeant discloses:

...one or more jets 150 are provided in the spray arm 75 to create a clearing effect on the filter plate 104 ahead of the spray arm as it rotates. Large soil particles 153 are cleared off the perforations radially onto and against a circular recess 152 and rotated around the filter plate to drain sump 134...

In other words, Sargeant discloses a rotating downwardly directed jet 150 aimed directly at the perforations, which is the region of filter plate 104 having the **highest** percentage of open area. Additionally, Applicant further directs the Examiner's attention to Figure 25, which shows nozzles 76 with a broken line representation of **upwardly** directed water. It appears that these nozzles 76 are not directed at the filter plate 104 and are distinct from the jet 150 which is directed at the perforations of filter plate 104. Thus, Applicant can find no teaching or suggestion in Sargeant of downwardly directed jets impinging substantially upon a

percentage of open area lower than the other portions of the filter with other portions of the filter being outside a circular pattern of the downwardly directed jet, as recited in independent claim 1.

Since each and every element of Applicant's invention as set forth in amended claim 1 is not supported by the art as set forth above, Applicant respectfully submits that the rejection of claim 1 as being anticipated by Sargeant should be withdrawn.

As claims 3 and 4 depend from and include the same distinctive features of claim 1, Applicant submits that claims 3 and 4 are also allowable.

Claims 8-10 are rejected under 35 U.S.C. §102(b) as being anticipated by Thies et al, U.S. Patent No. 5,779,812. This rejection is respectfully traversed.

The Examiner asserts that Thies discloses a dishwasher having a spray arm with at least one downwardly directed nozzle and a horizontal filter disposed in the path of the flow of water. The filter has holes in two zones with the left zone comprising an area with less percentage of open area than the right zone. The Examiner further asserts that the left zone is capable of reducing an amount of air bubbles entrained in the circulating water. However, Applicant can find no teaching or suggestion in Thies of a downwardly directed jet that strikes substantially upon the second zone of the filter with the first zone being outside the circular pattern of the water jet, as recited in independent claim 8.

Applicant directs the Examiner's attention to column 4, lines 54-60 of Thies, which states:

As the flow of water from each nozzle 40 strikes the associated deflector tab 84, a fan-shaped spray is formed. Each fan-shaped spray sweeps the top of the mesh filter segments 52, 53 as lower wash arm assembly 22 rotates, thereby providing a back-washing action to keep mesh filter segments 52, 53 clear of soil particles...

Thus, the water from the downwardly directed nozzles sprays **both** zones of the filter. In contrast, Applicant's invention requires the downwardly directed jets to impinge upon the second zone of the filter, which has the lowest percentage of open area. The first zone of the filter, having a higher percentage of open area, is outside the circular pattern of the downwardly directed jet.

Since each and every element of Applicant's invention as set forth in amended claim 8 is not supported by the art as set forth above, Applicant respectfully submits that the rejection of claim 8 as being anticipated by Thies should be withdrawn.

Claim 9 has been canceled, thus rendering the rejection moot. As claim 10 depends from and includes the same distinctive features of claim 8, Applicant submits that claim 10 is also allowable.

Claim rejections under 35 U.S.C. §103

Claims 5 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sargeant. This rejection is respectfully traversed. Claims 5 and 6 depend from and include the same distinct features as independent claim 1, which is patentably distinct over the cited art. Accordingly, Applicant submits that claims 5 and 6 are also allowable.

Claims 13 and 14 are likewise rejected under 35 U.S.C. §103(a) as being unpatentable over Thies. This rejection is respectfully traversed. Claims 13 and 14 depend from and include the same distinct features as independent claim 8, which is patentably distinct over the cited art. Accordingly, Applicant submits that claims 13 and 14 are also allowable.

Claim Objections

Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 9 has been canceled, thus rendering the objection moot.

New Claims

Claims 16-19 are new. Independent claim 16 provides for, among other elements, a filter being substantially covered by a plurality of holes, where a rotating, downwardly directed water jet strikes the region of the filter with the lower percentage open area. Support for this claim can be found from at least Figures 2-6 and paragraphs [0015] and [0016] of the specification. Applicant believes the references of record do not teach or suggest the

invention as recited in claim 16. Claims 17-19 depend from allowable claim 16 and further distinguish Applicant's invention over the cited prior art references.

This after-final amendment does not raise new issues that would require further consideration and/or search, since the proposed amendments incorporate previously recited limitations from dependent claims into the independent claims and these limitations have been previously considered and searched by the Examiner; does not raise the issue of new matter, since the proposed amendments have support in the originally filed application including the specification, claims and drawings; and does place the application in better form for appeal by materially reducing and/or simplifying the issues for appeal.

Notification of allowability is respectfully requested. If there are any questions regarding this matter, please contact the attorney of record.

Respectfully submitted,

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